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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 12880 of 2003

Between:

Thogata Veera Kshatriya Seva Sangam, Regd.No. 439/98, Quarter No. 43,
Birla Colony, Deva Nagar, Kurnool-518002 rep.by its Jt. Secy, Sri Ch.Srinivasulu,
S/o.late Ch.Nagaiah,age 46yr,H.No.87/728 Madhava Nagar, Kurnool -2

..... PETITIONER

AND

- 1 The Secretary to Government, Irrigation and Command Area Development
(Project Wing) Department, Secretariat,
Hyderabad
- 2 The District Collector, Kurnool
- 3 The Revenue Divisional Officer, Kurnool, Kurnool District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction in the nature of Mandamus declaring the action of the respondents in not allotting the land to an extent of 350 squar yards (70' x 50') in Sy.No. 781/B2, of K.C. Canal Poramboke at Kallur Village and Mandal, Kurnool District in favour of the petitioner inspite of 'No Objection by the Irrigation Department as early as 24-12-1999, as illegal, arbitrary and violative of Principles of natural justice and consequently direct the first respondent to allot the land in question in favour of the petitioner forthwith

Counsel for the Petitioner: SMT.N.SHOBA

**Counsel for the Respondent No.1 to 3: GP FOR IRRIGATION & COMM AREA
DEV.**

The Court made the following Order:

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Heard the learned counsel for the petitioner and the learned Government Pleader appearing on behalf of the respondents.

Petitioner, herein which is a Seva Sangam, filed this writ petition seeking writ of Mandamus declaring the action of the respondents in not allotting the land of an extent of 550 Sq. yards in S.No.781/B2 of K.C. Canal Poramboke at Kallur Village and Mandal, Kurnool District in favour of the petitioner as illegal.

Case of the petitioner is that on the application filed by the petitioner, subsequent to the registration, for allotment of site for the purpose of establishing old age home etc., necessary follow-up actions have been taken by the concerned authority and 'No Objection' certificate was also issued by the Irrigation Department, since the said land was nearer to the K.C. Canal. That apart, even the Revenue authorities expressed no objection for allotment. In spite of the same, the very same area is sought to be allotted to third parties. Hence, the writ petition.

In the counter-affidavit, it is stated that the said land is adjacent to the K.C. Canal and therefore, necessarily it requires prior permission from the Irrigation Department and further, having regard to the report of the Mandal Revenue Officer dated 22-2-2002, the same is not being considered. However, it was stated that in terms of the Board Standing Orders, the matter will be considered.

Having heard the counsel on either side and on perusal of the material on record, it is seen that the request of the petitioner for allotment of the aforesaid land finds no objection from all the quarters, including Irrigation Department, which is concerned

with the said land since the same is adjacent to K.C. Canal. In spite of the same, no final allotment was made in favour of petitioner, though an attempt was made to allot the very same land to third parties.

Having regard to the above, there cannot be any objection or impediment to allot the aforesaid land to the petitioner. Accordingly, this writ petition is allowed and the respondents shall consider the petitioner's claim final allotment of the aforesaid land in favour of the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs.

22—07—2004.

Stv/-

To

- 1 The Secretary to Government, Irrigation and Command Area Development
(Project Wing) Department, Secretariat,
Hyderabad
- 2 The District Collector, Kurnool
- 3 The Revenue Divisional Officer, Kurnool, Kurnool District
4. Two CCs to GP for Irrigation & Comm. Area Development, High Court Buildings,
Hyderabad (OUT)
5. Two CD copies.